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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 5th December, 1958:—

BILL No. IX OF 1958

a bill to provide for restraining the taking or giving of dowry in connection with betrothals and marriages and for matters incidental thereto.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Dowry Restraint Act, 1958.

Short title
and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. (1) It shall, in the first instance, apply to Hindus, Buddhists, Sikhs and Jains, but the Central Government may, by notification in the Official Gazette, extend its application to members of other communities also.

Application
of Act.

(2) This Act shall also apply to—

(a) all persons domiciled in India, whether the marriage is performed within or without the area to which this Act extends;

(b) the parties to the marriage, if either of them is domiciled in any area to which this Act extends;

(c) every marriage performed in any area to which this Act extends even if neither of the parties to such marriage is domiciled in the area to which this Act extends.

Explanation.—For the purpose of this Act, the domicile of a person shall be determined in accordance with the provisions contained in sections 6 to 18 (both inclusive) of the Indian Succession Act, 1925.

39 of 1925.

Definitions. 3. In this Act, unless the context otherwise requires,—

(a) “dowry” means any property, movable or immovable, or valuable security transferred or agreed to be transferred as a consideration for the contract of any betrothal or marriage by one party to the betrothal or marriage, or by any other person on behalf of that party, to the other party to the betrothal or marriage or to any other person on behalf of the party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom, the value of which does not exceed two hundred and fifty rupees;

Explanation.—In this section valuable security has the same meaning as in section 30 of the Indian Penal Code.

45 of 1860.

(b) “marriage” means a marriage between any two persons to whom this Act applies.

Penalty for taking dowry or abetment thereof.

4. Any person who takes dowry or abets the taking of dowry shall be punishable with simple imprisonment which may extend to one year or with fine which may extend to double the amount of the value of the dowry taken or with both.

Penalty for giving dowry or abetment thereof.

5. Any person who gives dowry or abets the giving of dowry shall be punishable with simple imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Penalty for dowry after solemnisation of marriage.

6. Any person who at any time within three years before or after the solemnisation of a marriage to which this Act applies demands either directly or indirectly from the parents of the bride or any other person who was the guardian of the bride before her marriage any payment which is in the nature of a dowry shall be deemed to have committed an offence under section 4 of this Act and shall be punishable accordingly.

Offence to be cognisable.

7. All offences under this Act shall be cognisable.

Cognisance of offence.

8. No court inferior to that of a magistrate of the first class shall take cognisance of any offence punishable under this Act except on a complaint made within two years from the date of the offence provided that every such complaint shall be accompanied by a deposit of fifty rupees as a security against false, frivolous or vexatious proceedings.

9. (1) Where a dowry was given before or after the commencement of this Act, such dowry shall be deemed to be the property of the woman in connection with whose marriage it was so given. Dowry to be held in trust for wife.

(2) Where a dowry is received by any person other than the woman in connection with whose marriage it was given and is not transferred by that person to the woman that person shall be deemed to hold it in trust for the benefit and separate use of that woman, and, if that woman dies before obtaining the transfer, for the benefit and separate use of her heirs.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out all or any of the provisions of this Act. Power to make rules.

(2) All rules made under this section shall be laid before each House of Parliament as soon as possible after they are made and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make within fourteen days thereafter during the session in which they are so laid.

STATEMENT OF OBJECTS AND REASONS

The practice of accepting dowry from the parents or guardians of the bride or the bride-groom by either party to a marriage has done great harm to the society. Parents sometimes incur heavy debts in paying dowry. This Bill, therefore, seeks to do away with the evil practice of giving or taking dowry and to make such practice an offence.

JUGAL KISHORE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 empowers the Central Government to make rules for carrying out all or any of the purposes of the Act. The proposed delegation of legislative power is of a normal character.

S. N. MUKERJEE,
Secretary.

